THE BOMBAY MERGED TERRITORIES (BARODA WATAN ABOLITION) ACT, 1953.

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BOMBAY ACT No. XLVI OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES (BARODA WATAN ABOLITION) ACT, 1953.]

[*24th June 1953*]

Amended by Bom. 31 of 1955.

An Act to abolish watans in the merged territories of the former State of Baroda.

WHEREAS it is expedient to abolish all watans settled under the Baroda Watan Rules in the merged territories of the former State of Baroda and to provide for certain consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.

(*2*) It extends to the merged territories of the former State of Baroda included in the districts of Surat, Broach, Baroda, Panch Mahals, Kaira, Ahmedabad, Sabar Kantha, Mehsana, Banas Kantha and Amreli.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the sujbect or context,—

(*i*) "Baroda Watan Rules" means the Watan Rules of 1932 of the former State of Baroda as in force immediately before the 30th July 1949 ;

(*ii*) "cash allowance" means a grant in cash received by a watandar as watan under the Baroda Watan Rules and includes a maintenance allowance payable to a sub-sharer or a female member of a watandar's family under the said Rules ;

Bom. V of 1879.

(*iii*) "Code" means the Bombay Land Revenue Code, 1879 ;

(*iv*) "Collector" includes an officer appointed by the State Government to perform the functions and exorcise the powers of the Collector under this Act ;

(*v*) "prescribed" means prescribed by rules made under this Act ;

(*vi*) "watan" means a watan governed by the Baroda Watan Rules ;

(*vii*) "watandar" means a person in whose name a watan is registered under the Baroda Watan Rules and includes a co-sharer of such watandar recognised under the said Rules ;

(*viii*) "watan land" or "watan village" means a land or village held by a watandar as a watan.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 171.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it by the Code.

(*3*) References in this Act to the provisions of the Baroda Watan Rules and the incidents of watans shall, notwithstanding the repeal of the said Rules and abolition of the said watans by this Act, be construed as references to the said provisions and incidents as they were in force immediately before this Act comes into force.

Abolition of watans.

3. With effect from and on the date on which this Act comes into force—

(*1*) all watans in the merged territories of the former State of Baroda shall be deemed to have been abolished ;

(*2*) save as expressly provided by his Act, all incidents of the said watans shall be deemed to have been extinguished ;

(*3*) subject to the provisions of section 4, all watan land and watan villages are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if such land and villages were unalienated :

Provided that such resumption shall not affect the validity of any alienation of any watan land if such land has been validly alienated under the provisions of the Baroda Watan Rules or the rights of an alienee thereof or any person claiming under or through him.

Holder of watan land to be occupant

4. (*1*) A watan land resumed under the provisions of this Act shall be regranted to the holder thereof on payment of the occupancy price equal to six times of the amount of the full assessment of such land within [1][five years] from the date of the coming into force of this Act and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; and all the provisions of the Code and rules made thereunder relating to unalienated land shall, subject to the provisions of this Act, apply to the said land :

Provided that if the holder fails to pay the occupancy price within the period of [1][five years] as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*2*) The occupancy of the land regranted under sub-section (*1*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purpose of this section the expression " holder " shall include—

(*i*) a watandar holding a watan land as watan for the time being ; and

[1] These words were substituted for the words " two years " by Bom. 31 of 1955, s. 2.

(*ii*) where a watan land has been validly alienated under the Baroda Watan Rules, the alienee of such land or a person claiming under or through such alienee.

(*3*) Nothing in sub-section (*2*) shall apply to a watan land which has been validly alienated under the Baroda Watan Rules.

(*4*) Nothing in this section shall apply to a watan land or village in respect of which the watan property consists of the whole or a part of the land revenue of such land or village.

Compensation for the commutation of cash allowance.

5. (*1*) Where the watan consists of a cash allowance the holder thereof shall be paid a sum equal to—

(*a*) five times of the amount of such cash allowance, if the watan was recognised as hereditary before the date of the coming into force of this Act; and

(*b*) three times of the amount of such cash allowance, if the watan was recognised as granted only for the life-time of the holder before the date of the coming into force of this Act.

(*2*) For the purposes of this section, the amount of cash allowance shall be the amount paid or payable to the holder for the year immediately preceding the date on which this Act comes into force.

Commutation of watan consisting of whole or part of land revenue.

6. In the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, a sum equal to ten times the amount of such land revenue shall be paid to the watandar as compensation.

Application of Bom. LXVII of 1948 to lands lawfully leased.

7. If any watan land has been lawfully leased and such lease is subsisting on the date on which this Act comes into force, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act.

Bom. LXVII of 1948.

Explanation.—For the purposes of this section the expression "land" shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948.

Bom. LXVII of 1948

Method of compensation for abolition of other rights.

8. (*1*) Any person aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property may, if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in the prescribed form within six months from the date on which this Act comes into force. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(*3*) In determining the amount of compensation the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*4*) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected to the payment of full assessment in accordance with the provisions of the Code.

(*5*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award. Bom. XII of 1939.

(*6*) In deciding appeals under sub-section (*5*) the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which the court follows in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

(*7*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section. IX of 1908.

Court fees.

9. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. VII of 1870.

Finality of award of Collector and decision of Revenue Tribunal.

10. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Inquiries and proceedings to be judicial proceedings.

11. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Amount of compensation to be payable in transferable bonds.

12. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Repeal.

14. The Baroda Watan Rules are hereby repealed:

Provided that the repeal of the said Rules shall not be deemed to affect—

(*a*) any obligation or liability already incurred or accrued before the date of the commencement of this Act;

(*b*) any proceeding in respect of such obligation or liability;

and any such proceeding may be continued, as if this Act had not been passed.